



July 10, 2017

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

[Submitted via FCC Electronic Comments Filing System]

Re: NOTICE OF EX PARTE PS Docket 15-91 Improving Wireless Emergency Alerts and Community-Initiated Alerting

Dear Secretary Dortch:

On July 7, 2017, representatives of the New York City Emergency Management Department (“NYCEM”) and the New York City Mayor’s Office (“Mayor’s Office”) participated in an *Ex Parte* conversation on the above referenced matter with and at the invitation of representatives of the Federal Communication Commission’s (“FCC”) Public Safety and Homeland Security Bureau (“Commission”).¹ A summary of our discussion is found on the following pages.

NYCEM sincerely appreciates the Commission’s ongoing efforts to improve Wireless Emergency Alerts and looks forward to continuing to work with the Commission in crafting and implementing the regulatory changes necessary to enhance this critical system. Further communication on this matter may be directed to the undersigned.

Respectfully submitted,

/s/

Benjamin J. Krakauer, MPA
Assistant Commissioner, Strategy & Program Development

¹ **NYCEM Participants** –Christina Farrell, Deputy Commissioner for External Affairs; Benjamin J. Krakauer, Assistant Commissioner for Strategy and Program Development; Sonja Orgias, Director of Legal Affairs; Rachel Sulaymanov, Director of Intergovernmental Affairs; **Mayor’s Office Participants** – Rebecca Kagan Sternhell, Deputy Director and General Counsel, Mayor’s Office of Federal Affairs; Zachary Gold, Telecommunications Policy Advisor, Mayor’s Office of Technology and Innovation; **FCC Participants** – James Wiley, Attorney Advisor; Megan Henry, Honors Attorney; Eric Manski, Legal Intern





Geo-targeting of WEA Messages

NYCEM reinforced its support for device-assisted geo-targeting to be required in the next set of WEA rules. In New York City, much like other densely populated urban areas, every square City block has the potential to add tens of thousands of WEA recipients. As such, highly accurate message targeting is absolutely necessary in order to prevent both unnecessary panic and warning fatigue. As consumers maintain the ability to opt-out of WEA messages, it is critically important that messages be delivered to the intended audience to prevent opt outs.

Using the context of the Chelsea, Manhattan bombing, the Commission noted that NYCEM distributed a citywide message in support of law enforcement's search for the suspected bomber. While true, NYCEM also issued two highly targeted messages to the Chelsea neighborhood following the discovery of a second bomb directing nearby residents to shelter in place and, subsequently, rescinded the shelter in place order once the bomb was contained. Although the messages were targeted, NYCEM received anecdotal reports of both messages being received far outside the target area.

The Chelsea bombing underscores the fact that each emergency situation is different, requiring different messaging techniques and flexible communication systems that can be applied by alert originators to the nuances of a particular incident. NYCEM believes that a geo-targeting matching standard of 1/10th of a mile (528 feet) is sufficient.

Alert Preservation

Thanks to the Commission's new WEA rules, alert originators will soon be able to include more information in WEA messages (both additional text and embedded references). As such, NYCEM feels strongly that WEA messages should be preserved on the consumer's device until such time as it is deleted by the consumer. NYCEM highlighted the fact that in response to an approaching coastal storm, an evacuation order could be issued 48 hours before the onset of tropical storm-force winds. The WEA message sent with this order would likely contain information related to the location of evacuation centers, date/time the evacuation order must be complied with, and other preparedness information. In such a scenario (and countless others) it is important that the consumer have the ability to refer back to the WEA message after it is issued. An alternative to consumer-choice with respect to alert preservation is leaving the WEA message on the consumer's handset until it is "cancelled" by the alert originator. NYCEM does not support this option.

Multimedia

NYCEM reinforced its position that the ability to transmit WEA messages that include multimedia is critical to the future of the system and would allow for a higher degree of public awareness in many emergency situations (including consumers with limited English proficiency and /or disabilities, access, and functional needs). Consistent with filed comments, NYCEM emphasized that a delay of up to one minute for a multimedia-containing WEA message would be well worth the added delivery time since



the content of the message could be much more powerful than text alone.² Although WEA messages will soon be able to support embedded references, NYCEM does not believe this reduces the need for multimedia support. NYCEM supported its assertion by sharing the results of a post-WEA survey conducted of New York City residents following the Chelsea bombing: 100% of survey respondents reported receiving the WEA message but less than half sought out the suspect's photograph via media sources.³ If the suspect's photograph was included directly in the WEA message, 100% of recipients would have seen the photo.

Multilingual Alerting

NYCEM continues to advocate for improvements in multilingual capability for WEA messages. While NYCEM appreciates the Commission's idea that pre-developed, standardized multilingual messages for different hazards as an incremental improvement has some merit, NYCEM noted that it prefers to customize each message. As an alternative, NYCEM offered that certain elements of multilingual message could be pre-developed but remain available for modification by alert originators who choose to do so.

NYCEM still has significant reservations about utilizing machine translation technology for emergency messaging purposes. However, NYCEM continues to support the addition of a "translate" button beneath WEA messages so a consumer may, at their discretion, utilize commercially-available systems to translate the message.⁴ Alternatively, copy/paste capability would allow the consumer to accomplish the same task without requiring a device's operating system to "link" to a translation tool.

Disaster Relief Messaging

NYCEM emphasized the need for many-to-one capability to be added to the WEA system for the purposes of quickly aggregating and analyzing de-identified emergency/disaster data provided by consumers. NYCEM and its partner agencies, like many emergency management agencies across the country, have the ability (and regularly perform) to receive, process, map, and analyze large datasets in real time during an emergency. Being able to receive disaster relief data directly from consumers via the WEA system would allow the information to be more quickly analyzed and allow local governments to more efficiently deploy limited resources.

With respect to consumer privacy, NYCEM believes such privacy is of paramount importance. As such, NYCEM underscored that the only data it would need for disaster relief messaging purposes would be:

- Consumer latitude
- Consumer longitude
- Coded response (e.g., 1 for downed trees, 2 for downed wires, 3 for damaged buildings, etc.)

² Comments from NYC Emergency Management, dated December 8, 2016, at 16.

³ *Survey Findings & Analysis: Emergency Alerts Survey*, Global Strategies Group, September 28, 2016, at page 2. (Note: margin of error +/- 4.9% at 95% confidence interval).

⁴ Comments from NYC Emergency Management, December 29, 2015, page 12 at 4.



NYCEM would **not** need and **does not** want access to any identified information including, but not limited to: consumer name, telephone number, account number, MAC address, IP address, etc.

NYCEM reinforced that it does not support allowing “emergency requests” to be returned via WEA (e.g., “I need to be rescued”).⁵

Earthquake Alerting

NYCEM noted that a maximum latency of three seconds for automated messages about hazards such as earthquakes and improvised nuclear devices is a reasonable period of time for computer systems to share information with each other. Creating a regulatory and technological framework that would allow for sensors to trigger pre-scripted, pre-approved WEA messages could ultimately save tens of thousands of lives in emergency situations such as earthquakes and improvised nuclear device detonations. NYCEM believes that such an enhancement to the WEA system would encourage all levels of government to invest in additional sensors and the associated integration necessary to decrease the time from an emergency occurring to life safety messaging being released.

WEA on Future 5G Networks

NYCEM reinforced its position that the Commission should engage alert originators, commercial mobile service providers, standard setting bodies, and device manufacturers early in the 5G development process in order to ensure that emergency messaging capability is incorporated from the outset.

⁵ Notice of Ex Parte submitted by NYC Emergency Management, dated March 8, 2016, at page 5.